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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,293	07/25/2006	Bernd Klaus Faist	1022702-000312	5386
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EXAMINER				
BANH, DAVID H				
ART UNIT		PAPER NUMBER		
2854				
NOTIFICATION DATE		DELIVERY MODE		
08/12/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

# Office Action Summary

**Application No.**

10/587,293

**Applicant(s)**

FAIST, BERND KLAUS

**Examiner**

DAVID BANH

**Art Unit**

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/25/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 87-169 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 87-169 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 87, 88 and 135, drawn to a device for adjusting a contact pressure by a roller on an adjacent body wherein a pressure medium is compressed air.
  - II. Claims 87, 89-93, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a controllable device applies pressure to a first actuator.
  - III. Claims 87, 89 and 94, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein rollers are supported by support bearings each having an additional actuator.
  - IV. Claim 87, 89 and 160, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a plurality of support bearings support a plurality of rollers each.

- V. Claims 87 and 95, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein the first and second ends of the first roller imparts a different contact pressure.
- VI. Claims 87, 96 and 97, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a contact pressure imparted by a roller is a vector sum of the portion of the roller weight and radial forces.
- VII. Claims 87, 98 and 99, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a printing couple includes multiple rollers and rotational bodies.
- VIII. Claims 87 and 108, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a control unit determines a contact pressure using a distance of a center point of a roller.
- IX. Claims 87, 98 and 122, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein the printing machine is a newspaper printing press.
- X. Claims 87, 98, 100 and 102-103, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a control unit adjusts the value of the contact pressure of a channel opening.
- XI. Claims 87, 101, 123 and 124, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein at least four printing formes are covering a forme cylinder in the axial direction of the forme cylinder.

- XII. Claims 87 and 104, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a rotational body is a supplementary roller.
- XIII. Claims 87 and 105, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a control unit delivers radial forces to be exerted by an actuator to provide contact pressure.
- XIV. Claims 87 and 106, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein controllable values usable by a control unit adjust radial forces exerted by an actuator.
- XV. Claims 87, 107 and 130, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a plurality of support bearings each have an identifying element and include pressure medium conduits connected in parallel actuators each having said identifying element.
- XVI. Claims 87, 107 and 131, drawn to device for adjusting a contact pressure by a roller on an adjacent body including a plurality of actuators in a support bearing.
- XVII. Claims 87, 107 and 144-146, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein having an identifying code in any identifying element.
- XVIII. Claims 87 and 109-111, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a control unit is adapted to determine radial forces in response to a change in displayed value.

- XIX. Claims 87, 109, 110 and 112-114, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a roller and an adjacent rotational body define a printing couple with a roller speed of 3000 rounds per hour.
- XX. Claims 87, 109 and 115, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a display unit is adapted to display a value of said contact pressure.
- XXI. Claims 87 and 116-117, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a fixation device exists in first and second support bearings for first and second ends of a roller and are simultaneously operable.
- XXII. Claims 87, 116 and 118, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a controllable valve is usable to change a fixation device between a first and second position.
- XXIII. Claims 87, 116 and 151, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a control unit is used to place a controllable fixation device in a second operational position, using the control device to change the value of a contact pressure while the controllable device is in said second position.
- XXIV. Claims 87 and 119, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein several adjacent rotational bodies are engaged concurrently by a first roller.

- XXV. Claims 87 and 120, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a second roller is engageable with the first roller.
- XXVI. Claims 87 and 121, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein at least one roller and adjacent rotational body are components of an inking and dampening unit.
- XXVII. Claims 87, 125 and 126, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein actuators are non-rotatable with respect to a support bearing.
- XXVIII. Claims 87, 125 and 127-129, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein support bearings having a plurality of actuators are arranged in a circular pattern with an identifying element.
- XXIX. Claims 87 and 132-134, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a plurality of rollers have the same number of actuators.
- XXX. Claims 87 and 136-137, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a tubular component is formed at least partially by an elastomeric material.
- XXXI. Claims 87 and 138, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein actuators are operable remotely by a control unit.

- XXXII. Claims 87, 125 and 139-141, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a plurality of actuators form an opening angle with respect to one another.
- XXXIII. Claims 87, 142 and 143, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein actuators in a support bearing exert a first contact pressure to a roller strip on a first end and a second contact pressure on a second end that is different from the first.
- XXXIV. Claims 87 and 147, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a control unit is a mobile component.
- XXXV. Claims 87 and 148, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a control unit is connected to an actuator only when a value of the contact force is changed.
- XXXVI. Claims 87 and 149-150, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein valves are either electrically or electromagnetically actuated.
- XXXVII. Claims 87 and 152-154, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein valves are of a standard configuration generating flattening on a surface of a roller and an adjacent rotational component.
- XXXVIII. Claims 87 and 155, drawn to device for adjusting a contact pressure by a roller on an adjacent body including means for adjusting rollers for a standard configuration of a control unit.



- XXXIX. Claims 87 and 156, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein at least one of the roller and the adjacent body has an elastically deformable surface..
- XL. Claims 87 and 157-158, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a roller is included in an inking and dampening unit and groups of simultaneously adjustable values are used with the inking and dampening unit.
- XLI. Claims 87, 157 and 159, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein the adjacent rotational body is a forme cylinder and groups of simultaneously adjustable rollers are usable with forme rollers operable with the forme cylinder..
- XLII. Claims 87 and 161, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a control unit controls each actuator independently.
- XLIII. Claims 87 and 162-163, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein the adjacent body is a form cylinder and the device includes at least a second roller with first and second roller engageable on the forme cylinder.
- XLIV. Claims 87 and 164, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein a control unit adjusts the contact pressure in a time period of less than one minute.

XLV. Claims 87 and 165, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein an actuator exerts a contact pressure using hydraulic, electric or motor drive and piezoelectric action.

XLVI. Claims 166 and 168, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein the control unit is usable to determine the value of a contact pressure exerted by a roller using radial forces and at least a portion of the weight exerted by each of a plurality of rollers.

XLVII. Claims 166 and 169, drawn to device for adjusting a contact pressure by a roller on an adjacent body with a plurality of rollers wherein each roller has a separate roller strip and each roller strip has a designator.

XLVIII. Claim 167, drawn to device for adjusting a contact pressure by a roller on an adjacent body wherein at least one actuator is interposed between each support bearing and associated roller mount adapted to exert radial forces on the roller mount.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions of Groups I through XLVIII are directed to related inventions. The related inventions are distinct if: (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed the inventions claimed are not obvious variants.

Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

4. Claim 87 link(s) inventions I and XLV. The restriction requirement between the linked inventions is **subject to** the nonallowance of the linking claim(s), claim 87. The International Search Report finds that Gertsch et al. (US Patent 5,819,656) teaches the limitations of claim 87. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions **shall** be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104

**Claims that require all the limitations of an allowable linking claim** will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

Applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, the allowable linking claim, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

5. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above

and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

**Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.**

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement

will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID BANH whose telephone number is (571)270-3851. The examiner can normally be reached on M-Th 9:30AM-8PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571)272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2854

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DHB  
August 7, 2008

/Daniel J. Colilla/  
Primary Examiner  
Art Unit 2854